To require institutions of higher education to include reporting regarding campus anti-Semitism in the annual security report required under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, to ensure that institutions of higher education do not support terrorist activity of foreign terrorist organizations, and for other purposes.

A BILL

To require institutions of higher education to include reporting regarding campus anti-Semitism in the annual security report required under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, to ensure that institutions of higher education do not support terrorist activity of foreign terrorist organizations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Ending Subsidies for Pro-Terrorist Activity on Campus Act”.

SEC. 2. REPORTING ANTI-SEMITISM ON CAMPUSES.

Section 485(f)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(1)) is amended by adding at the end the following:

“(K)(i) A statement of current campus policies regarding anti-Semitism, which shall include—

“(I) a detailed plan of action for combating anti-Semitism on campus;

“(II) information and procedures on how to report actual or perceived incidents of anti-Semitism, as well as the subsequent investigatory process for determining the outcome of such report; and

“(III)(aa) a detailed list of actual or perceived incidents of anti-Semitism that have occurred on campus; and

“(bb) the institution’s subsequent actions taken in response to each such incident.

“(ii) In this subparagraph, the term ‘anti-Semitism’ has the meaning given the working definition of anti-Semitism adopted by the International Holocaust Remembrance Alliance on May 26, 2016, in-
including the contemporary examples of anti-Semitism cited by the Alliance.”

SEC. 3. PREVENTING TERRORISM SUPPORT ON HIGHER EDUCATION CAMPUSES.

(a) REQUIREMENTS FOR INSTITUTIONS.—

(1) IN GENERAL.—Part B of title I of the Higher Education Act of 1965 (20 U.S.C. 1011 et seq.) is amended by adding at the end the following:

“SEC. 124. PREVENTING TERRORIST ACTIVITY SUPPORT ON CAMPUS.

“(a) DEFINITIONS.—In this section:

“(1) ENGAGE IN TERRORIST ACTIVITY.—The term ‘engage in terrorist activity’ has the meaning given the term in section 212(a)(3)(B)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iv)).

“(2) FOREIGN TERRORIST ORGANIZATION.—The term ‘foreign terrorist organization’ means a foreign organization that is designated by the Secretary of State in accordance with section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

“(3) INSTITUTION.—The term ‘institution’ means an institution of higher education, as defined in section 102.”
“(4) INSTITUTION ACTIVITY.—The term ‘institution activity’—

“(A) means an activity of an institution or occurring on the campus of the institution; and

“(B) includes research, classes, and events organized by student organizations.

“(5) MATERIAL SUPPORT OR RESOURCES.—The term ‘material support or resources’ has the meaning given the term in section 2339A of title 18, United States Code.

“(6) TERRORIST ACTIVITY.—The term ‘terrorist activity’ has the meaning given the term in section 212(a)(3)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iii)).

“(b) PROCEDURES.—An institution that receives Federal funds shall develop and carry out policy and procedures to identify applicants for faculty and staff positions, and student applicants, who have, as determined under regulations promulgated by the Secretary—

“(1) engaged in terrorist activity with the intent to accomplish a goal of a foreign terrorist organization;

“(2) incited terrorist activity with the intent to accomplish a goal of a foreign terrorist organization; or
“(A) provided material support or resources to a foreign terrorist organization; or
“(B) with the intent to accomplish a goal of a foreign terrorist organization, provided material support or resources to an individual engaging in terrorist activity.
“(c) LIMITATION ON FUNDS.—Each institution receiving Federal funds shall ensure that such Federal funds are not used for any institution activity that urges support for, endorses, espouses, encourages, organizes for, or promotes a foreign terrorist organization or its terrorist activities.
“(d) SPECIAL RULE.—The regulations promulgated by the Secretary under subsection (b) shall not be limited to violations of paragraph (1), (2), or (3) of such subsection evidenced by a criminal conviction.”.

(2) PROGRAM PARTICIPATION AGREEMENT.—Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is amended by adding at the end the following:
“(30) The institution certifies that the institution complies with the requirements of section 124.”.

(b) ANNUAL CAMPUS SECURITY REPORT.—Section 485(f)(1) of the Higher Education Act of 1965 (20 U.S.C.
1092(f)(1)), as amended by section 2, is further amended by adding at the end the following:

“(L)(i) A statement of current campus policies regarding procedures to prevent (including by educating students and employees) and respond to—

“(I) speech by students, employees, or other individuals on campus, or through an online campus platform, related to the existence, terrorist activities, or goals of a foreign terrorist organization that—

“(aa) imminently incites or produces lawless action; or

“(bb) is directed to inciting or producing imminent lawless action and is likely to imminently incite or produce such action;

“(II) fighting words by students, employees, or other individuals on campus, or through an online campus platform, related to the existence, terrorist activities, or goals of a foreign terrorist organization;

“(III) true threats by students, employees, or other individuals, on campus or through an online campus platform, related to the exist-
ence, terrorist activities, or goals of a foreign terrorist organization; and

“(IV) speech by students, employees, or other individuals on campus, or through an online campus platform—

“(aa) related to the existence, terrorist activities, or goals of a foreign terrorist organization; and

“(bb) used as an integral part of conduct in violation of a valid criminal statute.

“(ii) In this subparagraph—

“(I) the term ‘foreign terrorist organization’ has the meaning given the term in section 124(a); and

“(II) the term ‘online campus platform’ means an online platform that is operated or maintained by the institution.”.

(c) Student Eligibility.—Section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091) is amended by adding at the end the following:

“(u) Terrorist Activity Disqualification.—

“(1) Disqualification.—A student shall not be eligible to receive any grant, loan, or work assistance under this title if the Secretary determines,
consistent with the regulations promulgated under
section 124, that the student has been convicted, in-
cluding pursuant to a plea of nolo contendre or
guilty, of a criminal offense involving—

“(A) engaging in terrorist activity with the
intent to accomplish a goal of a foreign ter-
rorist organization;

“(B) inciting terrorist activity with the in-
tent to accomplish a goal of a foreign terrorist
organization;

“(C)(i) providing material support or re-
sources to a foreign terrorist organization; or

“(ii) with the intent to accomplish a goal
of a foreign terrorist organization, providing
material support or resources to an individual
engaging in terrorist activity; or

“(D) conspiring to, or soliciting another
person to, engage in terrorist activity, with the
intent to accomplish a goal of a foreign ter-
rorist organization.

“(2) DEFINITIONS.—The terms ‘engage in ter-
orrorist activity’, ‘foreign terrorist organization’, ‘ma-
terial support or resources’, and ‘terrorist activity’
have the meanings given the terms in section
124(a).”.
(d) Student and Exchange Visitor Information System.—Section 641(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraphs (C) and (D), by striking “institution,” each place such term appears and inserting “institution,”;

(B) in subparagraph (D), by striking “and” at the end;

(C) in subparagraph (G), by striking “and” at the end;

(D) in subparagraph (H), by striking the period at the end and inserting “; and”; and

(E) by adding at the end the following:

“(I) details regarding any instance in which an alien student at an approved institution of higher education violates a policy of such institution referred to in subparagraph (K)(i) or (L)(i) of section 485(f)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(1)), including any disciplinary action taken against such alien student.”; and

(2) in paragraph (5)—
(A) by striking “The Attorney General” and inserting the following:

“(A) IN GENERAL.—The Director of U.S. Immigration and Customs Enforcement”; and

(B) by adding at the end the following:

“(B) ANTI-SEMITIC AND TERRORISM-RELATED INCIDENTS.—Not later than 21 days after an alien student described in paragraph (1)(I) commits a violation described in such paragraph, the relevant institution of higher education shall report such violation, and any disciplinary action taken against such alien student, to the Department of Homeland Security and the Department of State through the Student and Exchange Visitor Information System.”.

SEC. 4. REPORTS REGARDING DISCRIMINATION.

(a) IHE REPORTS TO THE SECRETARY.—Each institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)) that receives Federal financial assistance shall report to the Secretary of Education information about the institution’s efforts to prevent and respond to discrimination, including harassment, on the basis of race, color, or national origin that is based on an individual’s actual or perceived Jewish
lineage or Jewish ethnic characteristics and that occurs on the institution’s campus, including on online platforms that are operated or maintained by the institution.

(b) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, and annually thereafter, the Secretary of Education shall submit a report to Congress containing the information described in subsection (a).